

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUAN JOSE REYNOSO,  
Petitioner,

V.

RICK THALER  
Director, Texas Department of  
Criminal Justice, Correctional  
Institutions Divisions,  
Respondent.

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4:09 – CV – 2103

**UNOPPOSED  
MOTION FOR AMENDED SCHEDULING ORDER**

TO THE HONORABLE LYNN N. HUGHES, U.S. DISTRICT JUDGE:

PETITIONER, JUAN JOSE REYNOSO, asks this Court to enter a Scheduling Order allowing 60 days after November 29, 2010, in which to file an Amended Petition for a Writ of Habeas Corpus. The Respondent is unopposed to Petitioner's proposed schedule for amending the petition, but reserves and does not waive all limitations defenses for all claims.

Pursuant to 28 U.S.C. § 2242 and Rule 15(a)(1)(A) of the Federal Rules of Civil Procedure, Mr. Reynoso may amend his petition once as a matter of course before being served with a responsive pleading. The present Scheduling Order calls for the Amended Petition to be filed on or before November 29, 2010.

Although counsel have worked diligently to complete the amended petition by the current deadline of November 29, 2010, there remains considerably more research and writing to do before the brief will be finished. We anticipate the brief will be completed within the next 60 days, taking into account our need to stay current with our other cases.

Counsel are mindful of the Respondent's interest in the finality of these proceedings. Respondent's consent to the proposed schedule indicates that he does not consider this request to be an intrusion into the Respondent's interest.

Counsel are also aware that these proceedings will likely be Mr. Reynoso's sole opportunity for federal review of his conviction and death sentence. In order to discharge counsel's obligation to ensure that Mr. Reynoso receives a full and fair presentation of his case to this Court, counsel require additional time.

Thus, Petitioner respectfully requests that this Court grant this unopposed request for a scheduling allowing 60 additional days in which to amend Mr. Reynoso's petition for a writ of habeas corpus.

Mr. Reynoso's counsel conferenced regarding this motion with Respondent Thaler's counsel, Texas Assistant Attorney General Laura Turbin, on November 10, 2010. The Respondent is unopposed to Petitioner's proposed schedule for amending the petition, but reserves the statute of limitations defense to all claims raised.

WHEREFORE, for the foregoing reasons, Petitioner Juan Jose Reynoso requests that the Court enter a scheduling order authorizing the amendment of his original petition within 60 days of the scheduled date of November 29, 2010. The amended petition would be due on or before January 27, 2011. A proposed order is attached for the Court's consideration.

Respectfully submitted,

/S/ Edward A. Mallett

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Edward A. Mallett  
SBN: 12863000  
Federal ID No: 442  
JP Morgan Chase Tower  
600 Travis Street, Suite 1900  
Houston, Texas 77002  
Tel: (713) 236-1900  
Fax: (713) 228-0321

/S/ Melissa Martin

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Melissa Martin  
SBN: 24002532  
Federal ID No. 21644  
JP Morgan Chase Tower  
600 Travis Street, Suite 1900  
Houston, Texas 77002  
Tel: (713) 236-1900  
Fax: (713) 228-0321

Attorneys for Juan Reynoso

CERTIFICATE OF CONFERENCE

I conferred with Texas Assistant Attorney General Laura Turbin, attorney for Respondent, on November 12, 2010 and Respondent is not opposed to this Motion but reserves the statute of limitations defense to all claims raised.

/S/ Melissa Martin

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Melissa Martin

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of November 2012, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

1. Laura Turbin  
Texas Assistant Attorney General

/S/ Melissa Martin

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Melissa Martin

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**ORDER**

Petitioner's Unopposed Motion for Amended Scheduling Order is hereby:

GRANTED

DENIED.

Petitioner's Amended Petition is due on January 27, 2011.

Houston, Texas

November \_\_\_\_, 2010.

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Honorable Lynn N. Hughes  
United States District Judge

